



STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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ROBERT L. MORGAN

August 31, 1979

George E. Mangan  
PO Box 246  
Roosevelt UT 84066

Dear Sir:

RE: DEEP CREEK DISTRIBUTION

Reference is made to your letter of July 27, 1979 in which you state that you are responding to a letter from this office to Raymond Murray, Chairman of the Deep Creek Distribution System regarding the division of the Deep Creek Waters.

In our letter of May 24, 1979, we stated that we were going to instruct the commissioner to deliver the water in accordance with rights and decrees as follows:

1. Case No. 3444 is in force and effect.
2. Mosby Irrigation Company has the right to use the Deep Creek Channel for transporting of their water minus a reasonable conveyance loss.
3. That the water measured at the confluence goes to the Deep Creek water users in accordance with their priority and not designated to any particular right.
4. That the rights on Deep Creek be satisfied in accordance with their priority.

At a follow-up meeting June 18, 1979, we met with the water users and the commissioner and outlined the procedures and Policies he was to follow in distributing the water. The following items were discussed and set up in this meeting.

1. Mosby Irrigation Company was allowed to use the Deep Creek Channel for the conveyance of the water, i.e., Blanchard Park, and Julius Park Reservoir with a reasonable conveyance loss which was set at 10%
2. All water would be delivered according to priority and in compliance with Civil 3067. 6.28 cfs would be at the Huber headgate, prior to diversion above.

3. The Ollie Justice rights would be satisfied in priority from the available water at the confluence in accordance with Civil 34444.
4. That all those without measuring devices would install them, including Arbon Wilkinsen.
5. Mosby Irrigation Company would install the measuring device on the Deep Creek Channel above the confluence.
6. That it was the water user's responsibility to maintain their own headgates and clean out the conveying channels. The Darvel Cook Ditch was one that needed cleaning and they were to give him reasonable time to do so, or shut off his water.
7. Donald C. Norseth, on his next trip into the area, would meet with Lanny and Darvel Cook to see if he could get them to cooperate in the matter of locked gates and adjustment of their headgates.

With these items resolved, Dick Perry was to keep track of his problems and when he had accumulated several, another trip would be made into the area to assist him.

8. The water user's agreed to add an additional \$250 to his salary, give him 30¢ a mile for his travel, and Mosby Irrigation Company was to pay him separately for his trips to Blanchard Park.

We have instructed Richard Perry to deliver water according to priority and water rights until further instructions.

At the meeting, we also discussed that in case of disagreement with our instructions, the water users should petition the district court for clarification as to the intent of Civils 3444 & 3067.

We trust that this provides the information you require and explains our position in the matter.

Sincerely,

DEE C. HANSEN  
State Engineer

DCH:DCN/if

cc: Raymond Murray

File (3)

Richard Perry

Robert Justice

Robert Guy, Area Engineer  
Vernal Area Ofc.

# GEORGE E. MANGAN

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RECEIVED

JUL 30 1979

WATER RIGHTS

July 27, 1979

Donald C. Norseth  
Directing Engineer  
Division of Water Rights  
200 Empire Building  
231 East 400 South  
Salt Lake City, UT 84111

Re: Our File No. J-7-77A

Dear Mr. Norseth:

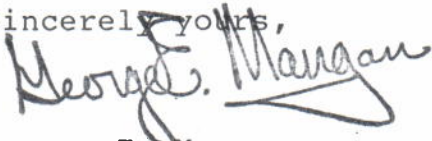
I have before me your letter of May 24, 1979 to Raymond Murray, Chairman of the Deep Creek Distribution System. I have been asked to respond to the same by Mr. Robert Justice, the successor in interest to Ollie W. Justice. I appreciate the fact that you recognize that cases No. 3444 and No. 3067, are still in full force and effect. The reading of No. 3067 makes it clear that the rights of the Hubbers for their water filing is dependant upon the flow out of Deep Creek being able to reach them.

However, in No. 3444, in that action between Ollie W. Justice, Deep Creek Irrigation and Mosby Irrigation Company and it's officers, Edward Jones, David Jenkins and Floyd Warburton, it is clear that Mr. Justice has a permanent and vested right for water as to Mosby Irrigation. Mr. Justice's right is not dependant on any flow out of Deep Creek reaching him. If you will note very carefully, the language in Case No. 3444, in particular paragraph #3, Mosby Irrigation Co. is required to deliver to Ollie Justice the same amount of water that flows through the measuring wiere above the confluence of Mosby and Deep Creek. It is obvious that his right is irrespective to the amount of water that any others may claim in and to Deep Creek water. It is a plain and simple requirement that Mosby Irrigation deliver to Mr. Justice the same amount of water that flows over through the wiere. It is true that others are entitled to water, and that their water rights are separate matters since they were not included in the

referenced litigation. And, while it is true that these two cases are not binding upon parties to the litigation, nevertheless as to the parties in the litigation and their successors in interest, it is clear that those decisions are still binding and are of full force and effect, and must be recognized.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "George E. Mangan". The signature is fluid and cursive, with a large, sweeping "G" and a long, horizontal flourish extending to the right.

George E. Mangan

gem/lw